

FISCAL NOTE

SB 2441

February 8, 2006

SUMMARY OF BILL: Makes death resulting from drag racing a form of vehicular homicide, punishable as a Class B felony. Creates a new Class D felony for knowingly operating a motor vehicle that is equipped to supply the engine with nitrous oxide. Increases the offense of drag racing from a Class B misdemeanor to a Class D felony and requires permanent driver's license revocation if the offense results in serious bodily injury.

ESTIMATED FISCAL IMPACT:

Increase State Revenues – Not Significant

**Increase State Expenditures - \$30,100/Incarceration*
\$55,000/One Time**

Decrease Local Govt. Expenditures – Not Significant

Assumptions:

- One offender every two years will serve an additional 1.5 years for vehicular homicide as a result of drag racing (an increase from 0.9 years for a Class C felony to 2.4 years for a Class B felony). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 2.4 years is \$43,847.53 ($\50.02×876.6 days). The cost per inmate at 0.9 years is \$16,442.82 ($\50.02×328.725 days). The additional cost from increasing the classification from a Class C to a Class B felony is \$27,407.71 per offender ($\$43,847.53 - \$16,442.82$). The total additional operating cost for one offender every two years is \$13,703.86 ($\$27,407.71 \div 2 = \$13,703.86$)
- One Class D felony conviction per year for knowingly operating a motor vehicle that is equipped to supply the engine with nitrous oxide, with 0.6 years time served (219.15 days). The cost per inmate is \$10,961.88 ($\50.02×219.15 days).
- One offender every two years will serve an additional 0.6 years (219.15 days) for drag racing that results in serious bodily injury (an increase from a Class B misdemeanor to a Class D felony). The total operating costs for one offender every two years is \$5,480.94 ($\$50.02 \times 219.15 \div 2 = \$5,480.94$)

- Computer programming expense of \$55,000 one-time to the Department of Safety to capture permanent revocation information of driver's licenses. Any increase in state revenues due to reinstatement fees for driver's licenses is estimated to be not significant.
- Any decrease in local government expenditures due to reclassification of the drag racing offense from a Class B misdemeanor to a Class D felony is estimated to be not significant.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director